

1 **DOUGLAS L. RAPPAPORT, ESQ. (SBN 136194)**

2 Law Offices of Douglas L. Rappaport
3 260 California Street, Suite 1002
4 San Francisco, California 94111
5 Telephone (415) 989-7900

6
7 Attorney for Defendant
8 **AVERY BADENHOP**

9
10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 UNITED STATES OF AMERICA,

Case No. CR 10-701 MMC

14 Plaintiff,

15 v.

16 AVERY BADENHOP,

17 Defendant.

STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING STATUS
HEARING AND EXCLUDING
TIME FROM JULY 20, 2011 TO
AUGUST 10, 2011 UNDER THE
SPEEDY TRIAL ACT

18
19 On May 4, 2011, the parties in this matter appeared before the Court for a status hearing. The
20 Court set the matter for Change of Plea/Status Conference on July 20, 2011 at 2:30 p.m. The parties
21 jointly request that this Court continue the matter to August 10, 2011 at 2:30 p.m. for Change of
22 Plea/Status Conference, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
23 3161(H)(7)(A) and (B)(iv), from July 20, 2011 through August 10, 2011.

24 //

25 //

26 //

27 //

28 //

Defendant Avery Badenhop and the government consent to the exclusion of time from July 20, 2011 through August 10, 2011 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. § 3161. The parties represent that good cause exists for this exclusion, including the effective preparation and continuity of counsel. The parties agree that the failure to grant this continuance would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See, 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by granting an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA L. HAAG
United States Attorney

DATED: July 19, 2011

/s/ _____
KEVIN BARRY
Assistant United States Attorney

DATED: July 19, 2011

/s/ _____
DOUGLAS L. RAPPAPORT
Attorney for AVERY BADENHOP

//

//

//

//

//

//

~~PROPOSED~~ ORDER

For the reasons stated above, the Court hereby orders that the change of plea/status conference date of July 20, 2011 is continued to August 10, 2011 at 2:30 p.m. The Court also finds that an exclusion of time between July 20, 2011 through August 10, 2011 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the exclusion under Section 3161 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case, and that failure to grant the requested exclusion of time would deny counsel for the defendant the reasonable time necessary for the effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED.

DATED: July 19, 2011


THE HONORABLE MAXINE CHESNEY
United States District Judge